

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

BRIAN DEMPSEY, on behalf of himself  
and all other similarly situated individuals,

Plaintiff,

v.

SMITH'S FOOD & DRUG CENTERS,  
INC., and DOES 1 through 50, inclusive,

Defendants.

CASE NO.: 3:24-cv-00269-ART-CSD

**ORDER GRANTING**

**STIPULATION TO EXTEND TIME  
FOR DEFENDANT SMITH'S FOOD &  
DRUG CENTERS, INC. TO RESPOND  
TO PLAINTIFF BRIAN DEMPSEY'S  
OPPOSITION TO DEFENDANT'S  
MOTION TO STAY PROCEEDINGS**

Plaintiff Brian Dempsey, individually and on behalf of all others similarly situated, ("Plaintiff") and Defendants Smith's Food & Drug Centers, Inc., stipulate and respectfully request under Local Rule IA 6-1 that this Court extend the time for Defendants to respond to Plaintiff's Opposition [ECF 26] to Defendant's Motion to Stay Proceedings [ECF 19] until **November 1, 2024**.

Plaintiff filed the Collective and Class Action Complaint on June 25, 2024 that Defendant Answered on August 19, 2024. *See* ECF 1, 9. On September 19, 2024, Defendant filed a Motion to Stay Proceedings (the "Motion"). *See* ECF 19. That same day, the Court vacated a previously scheduled Case Management Conference. *See* ECF 20. Plaintiff responded to Defendant's Motion on October 11, 2024. *See* ECF 26.

Defendant's Motion concerns the current split of authorities both among the Circuit Courts and within the Ninth Circuit concerning whether a court has personal jurisdiction over potential opt-in plaintiffs who do not have minimum contacts with the forum state. *See* ECF 19 at 3-5.

1 Defendant's Reply in Support of its Motion is currently due by October 18, 2024. Defendant's  
2 counsel seek a two week extension of time to respond to Plaintiff's Opposition in Response to  
3 Defendant's Motion until **November 1, 2024**.

4 Plaintiff and the Defendants consent to this request. This is the first request for extension of  
5 time for this deadline. The parties respectfully submit that there is good cause for this extension and  
6 the requested extension is not for the purpose of delay.

7 IT IS SO STIPULATED.

8 Dated: October 15, 2024.

Dated: October 15, 2024.

9 THIERMAN BUCK

COZEN O'CONNOR

10 By: /s/ Leah Jones

By: /s/ Jonathan Rich

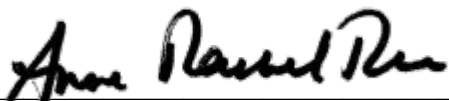
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Smith's Food & Drug Centers, Inc.*

17  
18 **ORDER**

19 Good cause appearing, IT IS HEREBY ORDERED that the Parties' stipulation  
20 is GRANTED. Defendants shall have up to and including **November 1, 2024** to file its Reply  
21 in Support of Defendant's Motion for Stay of Proceedings.

22 IT IS SO ORDERED.

23   
24 Anne R. Traum  
25 United States District Judge

26 DATED: October 17, 2024